IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

WP(C).No. 8959 of 2007(N)

PETITIONER:

PROFESSIONAL COURIERS, REP. BY
MANAGER, K.C.GEORGE BUILDINGS, BANK ROAD,
KAYAMKULAM.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

1. R.VIJAYAMMA,
MANGALASSERIL, PARAKODU, ADOOR.

2. THE BRANCH MANAGER,
FEDERAL BANK, ADOOR.

3. THE CONSUMER DISPUTES REDRESSAL FORUM,
PATHANAMTHITTA.

4. C.S.SOMARAJAN,
SUNALAYAM, ENATTU, ADOOR.

BY ADV. SRI.N.P.SAMUEL
SRI.D.KISHORE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 8959/07

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE ORDER DTD.30.6.2006 BY R3 IN O.P.NO.168/03.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.8959 of 2007

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Dated this the 12th day of July, 2007

J U D G M E N T

The petitioner challenges the order of the Consumer Disputes Redressal Forum, Pathanamthitta, wherein the petitioner has been directed to pay compensation to the 1st respondent. The petitioner originally challenged the constitutional validity of Section 15 of the Consumer Protection Act, which requires pre-deposit of part of the amount covered by the original order for maintainability of the appeal. However, it is admitted that pursuant to interim order dated 16.3.2007, the petitioner has already made deposit. That being so, now there is no impediment for the petitioner to file an appeal against the order of the Consumer Disputes Redressal Forum. Therefore, without prejudice to the right of the petitioner to file an appeal agaisnt the impugned order, this writ petition is

dismissed. If the petitioner files appeal as directed above, the period of pendency of this writ petition before this court shall be excluded from the period of limitation for filing the appeal. The petitioner is free to raise the contention that the deposit is already made before the Consumer Disputes Redressal Forum and if the petitioner produces proof of the same, it will be taken as sufficient compliance with Section 15. To enable the petitioner to move the Commission for stay, execution of the order of the O.P. shall remain stayed for a period of two weeks.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.